

Applicants : John F. Stevens et al.
Appln. No. : 09/960,191
Page : 18

REMARKS

Applicants gratefully thank Examiner Pratt for the kindness of the telephonic interview conducted on May 19, 2004. During that interview, Applicants' counsel and the Examiner discussed various aspects of the invention. Applicants' attorney specifically discussed U.S. Patent No. 6,159,521 to Horn et al. and pointed out to the Examiner that this reference, as far as Applicants' attorney has been able to identify, did not contain reference to rice flour smaller than 80 mesh. As discussed with the Examiner, 80 mesh commercially rated rice flour is referred to in the various tables of the '521 patent. Furthermore, rice flour of larger particle size, rice flour of 30 mesh, is shown in Table 3.

Additionally, Applicants' counsel and the Examiner discussed U.S. Patent No. 5,626,893 to Reddy. Applicants' attorney discussed the fact that the Reddy reference is directed toward improved anti-caking agents for use on cheese, especially in the pizza industry. Significantly, the cheese and the coating thereupon, melts when thermally processed. As a result, the coating on the cheese of the Reddy reference intermixes with the melted cheese and no longer functions as a coating. In contrast, Applicants' coating composition according to the claims has unexpectedly been found to have little or no reticulation after thermal processing and freezing. In response to these arguments, the Examiner suggested that the Applicants amend their claims to clarify that smaller than 80 US mesh size particles are utilized in the coating compositions and suggested amending the claims to claim a commercial particle size rated rice component of 100 mesh or finer as part of the coating composition would further distinguish the prior art.

Applicants thank the Examiner for her indication that claims 50 and 51 are allowed and that claims 3, 9, 23, 46, and 47 would be allowable if rewritten. In light of the interview of May 19, 2004, Applicants have amended their currently pending claims 1, 5-7, 11-15, 17-24, 38, 40-42, 44, and 47-49; canceled claims 4, 25, 28-37; and presented new claims 52-66. Applicants have also amended the specification to correct typographical errors as well as mathematical errors in Tables 1-3 beginning on page 9 through page 10 of the originally filed application. The Applicants have also forwarded the Declaration of John Stevens, one of the

Applicants : John F. Stevens et al.
Appln. No. : 09/960,191
Page : 19

inventors, along with this Response and Amendment, to demonstrate that the mathematical corrections in the revised Tables are based upon the data in the originally filed specification and do not result in new matter being added to the specification.

Applicants have amended claims 1, 7, and 12 to require a certain percentage of rice particles be smaller than either 100 US Mesh size or 120 US Mesh size. These percentages, 36.51% smaller than 100 US Mesh and 13.14% smaller than 120 US Mesh, represent the percentage of particles smaller than those sizes found in the 120 US Mesh commercial size rated rice flour shown in the test results at page 13 of the originally filed application. (See Exhibit 2 of John Stevens Declaration, p. 1-2).

Similarly, independent claims 38, 42, and 48 have been amended to require about 59.91% by weight of rice particles, which are smaller than 80 US Mesh, which also represents the percentage of particles smaller than 80 US Mesh found in the 120 US Mesh commercial particle size rated rice flour shown in the test results at page 13 of the originally filed application. (See Exhibit 2 of John Stevens Declaration, p. 1-2).

Independent claims 17, 19, and 49 have been amended to require the increased percentage of fine rice particles over 80 US Mesh commercial size rated rice flour. This information was likewise derived from the data on page 13 of the originally filed application.

New claims 52 and 66 are directed toward a substantially reticulation free vegetable or meat coating composition comprising a mix of ingredients that comprise at least about 10% of a rice component comprising an about 100 US Mesh size commercial size rating or smaller commercial size rated rice component (claim 52) or a method of producing such a substantially reticulation free coated vegetable or meat product (claim 66).

Applicants : John F. Stevens et al.
Appln. No. : 09/960,191
Page : 20

Applicants have made a concerted effort to place the present application in condition for allowance and, as such, a Notice of Allowance is earnestly solicited. In the event there are any remaining informalities or any other issues requiring Applicants' assistance, Applicants request that the Examiner call the undersigned attorney at (616) 949-9610.

Respectfully submitted,

JOHN F. STEVENS ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

10/13/2004
Date

Todd A. Van Thomme
Todd A. Van Thomme
Registration No. 44 285
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

TAV/jrf